

AN ORDINANCE **9 8 1 7 4**

ACCEPTING A FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) GRANT IN THE AMOUNT OF \$450,525.00 IN CONNECTION WITH THE FLOOD BUYOUT PROGRAM PHASE III; APPROPRIATING THE SUM OF \$450,525.00 FROM FEMA APPROVED FUNDS, REPRESENTING FEMA'S 75% SHARE; AND APPROPRIATING THE SUM OF \$150,175.00 FROM 2003 STORMWATER REVENUE BONDS, REPRESENTING THE CITY'S 25% MATCH, TOTALING \$600,700.00 TO ACQUIRE FEE SIMPLE TITLE TO CERTAIN PROPERTIES IN SEVERAL COUNCIL DISTRICTS; AUTHORIZING THE PURCHASE OF THE PROPERTIES; AND PROVIDING FOR PAYMENT.

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WHEREAS, due to flooding which occurred on October 17, 1998 in the City of San Antonio, several areas suffered extensive damage; and

WHEREAS, the City intends to purchase certain properties that are within the 100 year flood plain areas and that were severely affected by the flood waters; and

WHEREAS, as part of the requirement for participating in the buyout program, the property owner must voluntarily elect to participate in the program; and

WHEREAS, all property acquired by the program must carry a restriction that the land will be maintained as open space in perpetuity and that no Federal disaster assistance will be made available to it; and

WHEREAS, it is the intention of the City Council that funds expended for fee simple title on these properties be subject to reimbursement from the Federal Emergency Management Agency (FEMA); and

WHEREAS, in the alternative, the funds spent on these properties may be through the Certificates of Obligation; and

WHEREAS, the 17 properties designated as a part of the Project are described in **Attachment I** ("Property"); and

WHEREAS, independent appraisals for the property to be acquired will be completed and reviewed by the City's staff of the Real Estate Section of the Public Works Department and a fair market value determined for the property; and

WHEREAS, miscellaneous expenses, title fees, legal fees, lender fees, right of entry fees, appraisal fees, demolition fees and environmental assessment fees shall be paid as necessary expenses for the completion of the Project; and

WHEREAS, funds are available to acquire the necessary properties and pay the necessary expenses for this project; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. This Ordinance accepts a grant from the Federal Emergency Management Agency (FEMA) in the amount of \$450,525.00 and issued as Grant #UN3.2E-03A. The City's 25% contribution

in the amount of \$150,175.00 will come from 2003 Stormwater Revenue Bonds for a total project allocation of \$600,700.00.

SECTION 2. Fund No. 26-056052 entitled "FLOOD BUYOUT PROGRAM-PHASE III" is hereby designated for use in accounting for the above grant, and the sum of \$600,700.00 is hereby appropriated in said fund as set out in the detailed budget affixed hereto and incorporated herein for all purposes as **Attachment II.**

SECTION 3. The amount of \$150,175.00 is appropriated in Fund No. 48-002002 Index Code 939967 for transfer to Fund No. 26-056052 and appropriated therein as set out in budget schedule affixed herein as **Attachment II.**

SECTION 4. The City staff is hereby directed to negotiate with the owner(s) of the respective properties for the acquisition of the property at fair market value as indicated on Attachment 1 which is affixed hereto and incorporated herein, to execute sales agreements purchasing the property from the owners as the owner's are identified by a Commitment for Title Insurance issued by a title insurance company authorized to conduct such practice in the State of Texas and in Bexar County or by order of a Court of competent jurisdiction and to finalize such purchases on behalf of the City of San Antonio. The City Council finds that it is in the best interest to obtain the Property from whomever holds legal and equitable title as identified according to the procedure adopted through this Ordinance and the Director of Finance is directed to disburse funds in accordance herewith.

SECTION 5. The City Attorney is hereby authorized to retain the services of the law firm of Davidson & Troilo, P.C. and the law firm of Bracewell & Patterson, L.L.P. as special counsel as may be needed from time to time and to pay for the services rendered from the appropriations set aside herein or such other appropriations as may be made for the purpose.

SECTION 6. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and fund numbers as necessary to carry out the purpose of this Ordinance.

SECTION 7. This Ordinance shall be effective on the 28th day of September 2003.

PASSED AND APPROVED this the 28th day of September 2003.


M A Y O R
EDWARD D. GARZA

ATTEST: 
CITY CLERK

APPROVED AS TO FORM: 

City Attorney